

**ASSEMBLY BILL**

**No. 256**

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**Introduced by Assembly Member Vargas**

February 4, 2003

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An act to add Sections 110456 and 110592 to the Health and Safety Code, relating to adulterated food.

LEGISLATIVE COUNSEL'S DIGEST

AB 256, as introduced, Vargas. Adulterated foods: candy: maximum allowable lead levels.

Under existing law, the State Department of Health Services is responsible for administering and enforcing the Sherman Food, Drug, and Cosmetic Law, which, among other things, prohibits the adulteration of food, or manufacturing, selling, delivering, holding, or offering for sale any adulterated food, as defined. Under existing law, violation of these provisions is a crime.

This bill would require the department to commence and maintain a program to monitor lead levels in all candy manufactured or sold in the state, including a sampling and testing program to determine the lead levels contained in the candy. The bill would require the department to establish maximum allowable lead levels for candy, as specified.

This bill would include in the definition of adulterated food any candy containing lead levels that exceed those established by the department pursuant to the bill.

By creating a new crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 110456 is added to the Health and  
2 Safety Code, to read:

3 110456. (a) The department shall commence and maintain a  
4 program to monitor lead levels in all candy manufactured or sold  
5 in the state. The program established pursuant to this section shall  
6 include a sampling and testing program to determine the lead  
7 levels contained in the candy.

8 (b) The department shall establish maximum allowable lead  
9 levels for all candy manufactured or sold in the state. In  
10 establishing these levels, the department shall consider any  
11 relevant standards, guidelines, and information available from the  
12 federal Food and Drug Administration and the federal Centers for  
13 Disease Control and Prevention, as well as any other source the  
14 department deems appropriate.

15 SEC. 2. Section 110592 is added to the Health and Safety  
16 Code, to read:

17 110592. Any food is adulterated if it is candy and it contains  
18 lead levels that exceed the levels established by the department  
19 pursuant to Section 110456.

20 SEC. 3. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.

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